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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,939	07/25/2003	Roberto Gonzalez Gonzalez	200208417-1	5401

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EXAMINER

RODRIGUEZ, JOSEPH C

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/626,939		GONZALEZ ET AL.	
	Examiner		Art Unit	
	Joseph C. Rodriguez		3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 27-40 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Final Rejection

Applicant's arguments filed 5/23/06 have been fully considered but they are not persuasive for reasons detailed below.

The prior art rejections are maintained or modified as follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 12-19, 21-24, 27, 28, 30-34 and 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Chung (US 4,822,025).

Regarding claims 1-3, 5, 12-19, 21-22, 31-32, 34, 37, Chung (Fig. 1-6) teaches a printing apparatus for distributing print media comprising

an image-forming device (Fig. 2),

at least one input roller (Fig. 3, near 1) that transports the print media to a staging location (sheet supporting surface in 2) the accumulator,

an accumulator (guide 2; col. 3, ln. 23-32 wherein side brackets are capable of registering sheets during the pivoting movement) pivotable about an axis (8), the accumulator having a print media inlet (right fig. 4) and a print media outlet (left near trays in fig. 4),

an actuator (motor 6) configured to pivot the accumulator about the axis, and

a first output bin and a second output bin aligned to receive print media discharged from the accumulator; and the first output bin and the second output bin are stationary relative to the axis (Fig. 3-6, first and second bin can be regarded as any adjacent output trays).

Regarding claims 4, 33, Applicant is respectfully reminded that the material or article worked upon by the apparatus does not limit apparatus claims. See MPEP 2115. Thus, the surface area of the staging location can be regarded as less than the size of the print media.

Regarding claims 6, 9, Chung teaches a movable belt (Fig. 3, belt 10) having a protrusion (portion of belt surrounding driving roller 3) that indirectly engages the print media and dispenses the print media through the print media outlet and out of the accumulator.

Regarding claims 7, 8, 36, Chung teaches using a sensor to activate feed rollers and the actuator operable after a set number of sheets to coordinate the movement of print media through the accumulator (col. 2, ln. 65-col. 4, ln. 15), thus a controller coupled to the actuator can be regarded as inherent.

Regarding claims 23, 38, the accumulator is regarded as sized such that at least a first portion of a sheet of the print media is supported by the accumulator and at least a second portion of a sheet of the print media is supported by the first output bin during accumulation of the print media.

Art Unit: 3653

Regarding method claims 24, 25, 27, 28, 30, the device cited above is regarded as anticipating the claimed method steps during the normal operation of the device (col. 2, ln. 65-col. 4, ln. 15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 9, 10 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of Mestre (US 3,356,362).

Chung as set forth above teaches all that is claimed except for expressly teaching a gear assembly for transferring rotational movement from the motor to the accumulator. Further, under an alternative interpretation, an engaging conveyor belt may not be taught. These features, however, are well known in the sheet feeding arts. For instance, Mestre teaches a pivotable accumulator with the claimed features (Fig. 1, gearing assembly; Fig. 3, protrusions 97; col. 4, ln. 20-63). Moreover, these features can be regarded as recognized equivalents to the features taught by Chung. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Chung with the gearing and conveyor

features taught by Mestre as these features are art recognized equivalents. See MPEP 2144.06.

Claims 11, 20, 29 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of Mandel et al. ("Mandel")(US 5,382,012).

Chung as set forth above teaches all that is claimed except for expressly teaching a registration roller that moves the print media against a registration wall to align an edge of the print media and a finishing device disposed inside the accumulator to perform a finishing operation on the print media. These features, however, are also well known in the sheet feeding arts. For instance, Mandel teaches a mailboxing sheet system with these features (Fig. 1-3; col. 5, ln. 40-55, col. 10, ln. 56-col. 12, ln. 24 teaching longitudinal and lateral registration using rollers and stapler 97 for compiling). Here, the steps of integrated, automated registration and compiling provide the common-sense benefit of saving the user time from performing a manual task. Moreover, Mandel expressly teaches that these features are applicable to a pivotal sheet stacker system as taught by Chung (col. 8, ln. 9-col. 9, ln. 12). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Chung as taught above.

Response to Arguments

Applicant's arguments that the prior art fails to teach the claimed features are unpersuasive. In particular, Applicant argues that the prior art fails to teach an

Art Unit: 3653

accumulator. Here, Applicant is respectfully reminded that claim language is interpreted as broadly as reason allows and that it is not unreasonable to interpret the guide taught by Chung as an accumulator. In claim 3, Applicant defines an accumulator as comprising a staging location that supports at least a portion of a print media. Chung as cited above teaches a guide that functions as a staging location that supports a sheet during transport, thus it is not unreasonable to regard this guide as a an accumulator based on Applicant's own claim definition as said guide accumulates at least one sheet. Applicant appears to be arguing for limitations not commensurate in claim scope by arguing that an accumulator is a staging location for several sheets that accumulates several sheets prior to delivery. This limitation is not present in the device claims and only appears in method claim 26. Further, Applicant is respectfully reminded that claim language consisting of functional language and/or intended use phrasing is given little, if any, patentable weight as the apparatus must merely be capable of functioning, or being used, as claimed. See MPEP 2112.02, 2114. Here, the guide of Chung is certainly capable of functioning as an accumulator of several sheets. Further, Mestre supplies the belt with a protrusion that Applicant asserts Chung is lacking. Consequently, as the prior undermines Applicant's arguments, the claims stand rejected.

Allowable Subject Matter

Claims 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Examiner has maintained the prior art rejections, statutory rejections and drawing objections as previously stated and as modified above. Applicant's amendment necessitated any new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Joseph C Rodriguez** whose telephone number is **571-272-6942** (M-F, 9 am – 6 pm, EST).

The **Official** fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

The examiner's **UNOFFICIAL Personal fax number** is **571-273-6942**.

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only.

For more information about the PAIR system, see

<http://pair-direct.uspto.gov>

Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at **866-217-9197** (Toll Free).

Alternatively, inquiries of a general nature or relating to the status of this application or proceeding can also be directed to the **Receptionist** whose telephone number is **571-272-6584** or to the Supervisory Examiner, Patrick Mackey, **571-272-6916**.

Application/Control Number: 10/626,939
Art Unit: 3653

Page 9

Signed by Examiner Joseph Rodriguez

Jcr

July 28, 2006

A handwritten signature in black ink, appearing to be 'J. Rodriguez', with a long, sweeping horizontal line extending from the end of the signature across the right side of the page.